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April 26, 2005

The Honorable Peter Foor, Presiding Judge
Superior Court, State of California, County of Solano
Hall of Justice
530 Union Avenue
Fairfield, CA 94533

Dear Judge Foor:

The Board of Supervisors is in receipt of the 2004/2005 Grand Jury Report pertaining to and entitled "Solano County Towing Policies". The Board has reviewed as well, the response to the Grand Jury's Findings and Recommendations submitted directly to the Court by the Solano County Sheriff.

The Board of Supervisors appreciates the effort expended by the Grand Jury in its review of the policies and procedures employed by the Sheriff's Department in towing and storage of vehicles and welcomes the input provided. The Board's response provided below, is limited to the one area addressed by the County Sheriff.

In this response, the Grand Jury Findings and Recommendations are listed, followed by the Department's and then Board of Supervisors response.

FINDINGS AND RECOMMENDATIONS:

Finding #5: The Solano County Sheriff's office does not contract with towing companies.

Recommendation to Finding #5: The Department's existing policy should include a method of monitoring charges for towing and storage. The County's towing policy should be revised to show allowable charges and they should be made part of a towing contract with local companies..

The Solano County Sheriff Responded: "The Sheriff's Office will modify General Order 6.021 to include a periodic review of fees for towing and storage. Additionally, we are in the process of developing a contract for use with local tow companies. Once staff has completed a draft contract we will request that County counsel provide a sufficiency review and will then implement. I anticipate completion of the contract and implementation within 90 days. I will notify the Grand Jury when modification to General order 6.021 and contract implementation is accomplished with copies of both documents."

Board of Supervisors Response: *The Board of Supervisors concurs with the Department's response.*

Finding #10: Without exception, hearings on disputed towing and storage charges are conducted by members of the staffs of the various Solano County law enforcement departments.

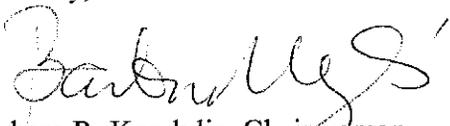
Recommendation to Finding #10: The California Vehicle Code Section 40215 (4)(A) specifies that hearing officers or examiners in parking enforcement “shall not be employed, managed, or controlled by a person whose primary duties are parking enforcement, parking citation, processing, collection or issuance. The examiner shall be separate and independent from citation collection or processing function.” In the spirit of this law, the Grand Jury recommends all agencies appoint independent hearing officers to rule on towing and storage disputes following the excellent model for parking enforcement.

The Solano County Sheriff Responded: The Sheriff's Office disagrees with the recommendation of the Grand Jury. California Vehicle Code Section 40215 is specific to parking citations only, and has no relationship to the towing of vehicles. California Vehicle Code Section 22852 is specific to the towing of vehicles and clearly defines the process for noticing the registered owner of a towed vehicle the opportunity for a post storage hearing to determine the validity of the storage. California Vehicle Code Section 22852 (c) specifies that, “The post storage hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle.” The Solano County Sheriff's Office is in compliance with this section.

Board of Supervisors Response: *The Board of Supervisors concurs with the Department's response.*

This concludes the Board of Supervisors response to the Grand Jury Report issued March 1, 2005 and is limited to the subject of “Solano County Towing Policies”

Sincerely,


Barbara R. Kondylis, Chairwoman
Solano County Board of Supervisors